



Ontario **H**uman **R**ights **C**ommission



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IN MEMORIAM

The Canadian human rights community lost one of its best friends with the untimely passing of Vice-Chair Louis Lenkinski in June of 1995.

A Holocaust survivor who experienced first-hand the horrors of Nazi Germany, and later the Polish Communist regime, Mr. Lenkinski dedicated himself to the struggle against injustice, and to the preservation of human dignity and democratic principles. Remembering from those experiences the danger of remaining silent in the face of inequity, he lived his life with courage and commitment.

Social justice was his calling and his passion. Whether through his decades of union efforts on behalf of the rights of workers or through his community activism in the area of anti-discrimination and anti-hate work, Mr. Lenkinski was at the forefront of the fight against injustice.

His contributions to the work of human rights, and particularly to the work of the Ontario Human Rights Commission, were legion; his eloquence, legend.

We have lost a wonderful person, a fine and principled community stalwart whose daily life reflected his commitment to human rights and justice. We mourn his passing, even as we are comforted by the legacy and challenge he provided us in our pursuit of equality.

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Rights Commission**

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June 28, 1996

Honourable Marilyn Mushinski
Minister of Citizenship, Culture and Recreation
6th Floor, 77 Bloor Street West
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Dear Minister:

Pursuant to Section 31(1) of the Ontario *Human Rights Code*, it is my pleasure to provide to you the Annual Report of the Ontario Human Rights Commission for the fiscal year 1995-1996 for submission to the Legislative Assembly of Ontario.

This report reflects the activities of the Commission to March 31, 1996.

Yours sincerely,

Rosemary Brown, P.C.
Chief Commissioner

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PREFACE

Reflecting on the past three years of the Commission's history leads unequivocally to the recognition of how much can be accomplished when the seeds of organizational change are planted and carefully nurtured over time.

When I arrived at the Commission in June, 1993, the Commission was mired in a backlog of complaints. While a special task force set up the previous year worked tirelessly to resolve the most long-standing complaints, Regional Services and Systemic Investigation staff focused their efforts on stemming the tide of a growing number of newer cases.

This state called for drastic measures, and the Commission rose to the challenge through the implementation of a series of organizational improvement initiatives designed to improve the efficiency and effectiveness of the Commission.

Proposed initiatives encompassed a broad range of improvements — improved quality of work and productivity of staff, better customer service, revised enforcement procedures, improvements in the Commission's technological capacity to process and monitor cases, a more effective and efficient organizational structure, enhanced internal accountability, a new emphasis on staff training and development, and finally the development of an anti-racism strategy for the Commission as both employer and service provider. With the commencement of these initiatives in the spring of 1993, the seeds were sown for much needed organizational improvement.

We are now beginning to reap the benefits of those earlier efforts. Over the past three years, there has been a marked increase in staff productivity, with the average cases closed by each officer increasing from 16 to 30 per year. Formal case closings have moved from 2,069 in March 31, 1994 to 2,899 in March 31, 1996. These improvements in case processing have been achieved despite a significant and steady increase in formal case openings [with case openings exceeding case closings each year]; decreasing resources resulting from budgetary reductions; and a recent work disruption arising from the 1996 OPSEU strike.

In addition to these accomplishments, the average age of cases in the caseload is decreasing, with the average case moving from 22 months of age in 1992 to 15 months as of March 31, 1996.

The Commission has carefully reviewed its enforcement procedures to ensure the most effective and efficient handling of complaints. Consistent with the July, 1993 report of the Standing Committee on Agencies, Boards and Commissions, for example, the Commission has made rigorous use of section 34 of the *Code* in an effort to address complaints that are more appropriately dealt with under another Act; that are trivial, frivolous, vexatious or made in bad faith; that are outside the jurisdiction of the Commission; or that are filed in excess of six months after the events upon which they are based. Measures such as this, have further enabled the organization to more effectively direct resources to those complaints that require investigation by the Commission.

In the area of cases under reconsideration by the Commission, there have also been remarkable gains. Changes in technology and careful review of the legal criteria necessary to meet the requirements of section 37 of the *Code* have resulted in more efficient case processing, with fewer than 10 cases currently under active investigation.

Beyond improvements in productivity over the past three years, the Commission has invested in numerous training initiatives designed to enhance the way in which cases are handled by staff. Not only have training initiatives made for better productivity, they have also enabled staff to provide a higher quality of service to the public.

In an effort to better serve the public, the Commission has also established an independent Trustee of Investigation to investigate complaints against the agency itself. The *Code* presently requires the Commission to investigate all complaints of discrimination, subject to section 34. The need to ensure a fair, impartial process and to avoid any real or perceived conflict of interest, has led the Commission to establish an independent Trustee of Investigation to oversee the investigation of such complaints.

While some of the planned improvements have already yielded positive results, others are still in progress. The Commission's organizational restructuring, for example, has resulted in a new and more efficient structure at the Director level, with the final director position, Director of Public Policy and Public Education, filled as of August, 1995. The subsequent branch level restructuring which completes the initiative is planned for announcement in the spring of 1996. Once all phases of the restructuring are complete, it is anticipated that the Commission will be a leaner, more rational and cost-effective organization.

Notwithstanding organizational improvements in progress, the Commission has continued to carry out its valuable work. While the focus on enforcement and the processing of the approximate 2,000 individual complaints filed annually has often meant that the proactive work has suffered, the Commission has continued in its attempt to address issues of systemic discrimination and to carry out public education.

Over these past three years, I have had the privilege of overseeing a number of major Commission initiatives that have undoubtedly changed the landscape of human rights in Ontario. One such initiative in the health care sector involved the investigation of a group of ten complaints against Northwestern General Hospital, in which racial minority nurses alleged that the hospital was discriminating against them on the basis of their race and colour. With the assistance of an external mediator, the Commission was instrumental in effecting a settlement that included compensation to individual nurses and a number of proactive policy changes to the hospital, itself. The Commission has since remained involved as a resource to the hospital's Vice-President, Ethno-Racial Equality in the development and implementation of an anti-racism action plan. Arising in part out of this initiative and the broader concerns of the Ministry of Health, a special sub-committee of the Ministry of Health's Joint Policy and Planning Committee (Ontario Hospital Association Anti-Racism Project Task Force) was set up to address anti-racism strategies in the hospital sector. The Commission has also served as a resource to this task force.

Consistent with international condemnation of the practice of Female Genital Mutilation (FGM), the Commission has also participated on a provincial inter-ministerial task force to eradicate the practice. At the 1995 conference of the Canadian Association of Statutory Human Rights Agencies, the Commission introduced a resolution calling for the provision of information to all prospective immigrants to Canada to inform them that FGM is not an accepted practice in Canada. Since that time, the Commission has developed a policy on the subject of female genital mutilation to be released in the late spring of 1996.

While over the past three years, public education activities have been somewhat curtailed in an effort to address case management issues, the Commission has attempted to maximize its resources through broad-reaching initiatives such as the development of a training package for high school students. *Teaching*

Human Rights in Ontario has been distributed to all secondary schools and school boards throughout the province of Ontario, and to all statutory human rights agencies across Canada.

A lack of resources has also hampered the Commission's efforts to work more actively with other Commissions, both within and outside of Canada. Globalization has resulted in an increasing awareness of the need for a broader, international focus on human rights. Despite fiscal constraints, the Commission has continued to attempt to work with commissions and government agencies outside of Canada, including those of South Africa, Japan, Bermuda and, most recently, India, in an effort to promote the broader goals of equality.

Like other areas of government, however, the Commission has experienced increasing fiscal constraints. The current climate of economic uncertainty and growing debt, ensure that these constraints will continue. All the while, new issues are emerging in this new environment — employer downsizing, drastic increases in unemployment, and a larger group of Ontarians finding themselves on the other side of the poverty line, to name only a few. These developments are sure to be felt by the Commission. This year alone, over 73% of the growing caseload was comprised of employment-related complaints. The increasingly multicultural composition of Ontario, the government decision to repeal employment equity legislation, and the evident rise in hate-motivated activities will surely add their own unique pressures. These issues will require the attention of the Commission over the coming years, especially since it appears that the new challenges will be accompanied by fewer resources with which to address them.

I am confident however, that Ontario with its historical respect for human rights, is better positioned than any other province to meet these challenges. As the first Canadian jurisdiction to prohibit slavery and to enact human rights legislation as we now know it, Ontario is in the unique position of having blazed the trail for others to follow. I am also confident that given adequate resources, our efforts toward organizational change will provide the soundest of foundations for this pursuit. As I approach the completion of my term as Chief Commissioner, it is my hope that the Commission will be able to continue to respond to these most difficult challenges to the principle of equality.

Rosemary Brown, P.C.
Chief Commissioner

INTRODUCTION

This year, Ontario faced significant new challenges on the legislative, social and economic fronts. There has been a concerted focus on reducing spending and on creating new efficiencies in government. Some of the new policies and fiscal directions have had an impact on groups working on equity and social issues. It would be difficult, if not impossible, to report on the Commission's work without noting some of these and other changes and commenting on their broader impact on human rights and social justice issues in Ontario.

The examination of government's role in promoting equality in the workplace has resulted in important legislative and non-legislative changes. First, Bill 7 brought in changes to the *Labour Relations Act*, including an amendment which reinforced the authority of labour arbitrators and boards to interpret and apply human rights law when hearing labour grievances. Consequently, human rights law is being dealt with on an increasing basis in the labour context. This trend is consistent with the position that the Commission has taken for several years, namely, that where a matter could or should be dealt with under another Act, such as the *Labour Relations Act*, the Commission should refer the matter to the appropriate Act. This not only avoids duplication and wasted resources, but it also ensures that human rights questions are properly addressed in the correct forum.

Second, the Ontario Legislature passed Bill 8 — *A Bill to Repeal Job Quotas and to Restore Merit-Based Employment Practices in Ontario* — on December 13, 1995. Bill 8 repealed the *Employment Equity Act* and made consequential amendments to other legislation, including the *Human Rights Code* (the "Code"). It is too early to assess the impact of Bill 8 on the number of complaints before the Commission. However, the immediate result has been that section 14 of the *Code* has become the only legislation in Ontario that shields employers from allegations of discrimination when they initiate programs to assist designated groups or historically disadvantaged groups ("special programs"). The Commission has received several inquiries from businesses and organizations concerning the implementation of special programs under the *Code*. While the

Commission already has interpretive guidelines on special programs, the guidelines are being revised and updated in order to reflect the new legislative environment.

After the *Employment Equity Act* was repealed, the Minister of Citizenship, Culture and Recreation announced her intention to develop an “Equal Opportunity Plan” in order to achieve equality and diversity in the workplace. Although the *Code* was identified in the Plan as the legislative tool for protection against discrimination in Ontario, the Equal Opportunity Plan was designed to be voluntary and to be administered separately by the Ministry of Citizenship, Culture and Recreation. The Commission awaits the release of the Equal Opportunity Plan with interest.

The changes to spending and policy priorities at all levels of government have had an impact on other social justice issues as well. For example, the extent of the right to accessible transportation for persons with disabilities and the right to social assistance attracted extensive attention from the media and from non-governmental organizations, individuals, church groups and advocacy associations who were concerned about the impact on disadvantaged groups. Certain groups, notably persons with disabilities, are protected by the *Code*, and there have been complaints to the Commission in respect of some of these issues.

Other changes of note this year involved the Ontario Anti-Racism Secretariat (“OARS”) and the Pay Equity Commission. OARS was merged into a new Citizenship Division of the Ministry of Citizenship, Culture and Recreation. Prior to that, OARS had been responsible for, *inter alia*, race relations, funding community education and training programs and for conducting projects designed to combat hate. In January, 1996 the *Pay Equity Act* was amended by phasing out the “proxy method” which was used to compare jobs in the broader public service. This method was used to compare positions for pay equity purposes when other methods such as job-to-job or proportional value comparison methods were not possible. The proxy method allowed organizations to compare certain job classes in one organization to job classes in other organizations. The proxy method will be repealed in its entirety on January 1, 1997.

These changes send a signal that shrinking resources will result in growing expectations from the general public about the Commission’s role in protecting the human rights of Ontario citizens, especially since the Government has gone on record as

saying that the *Code* is the foundation for equal opportunity in Ontario, and has committed itself to providing the resources needed to enforce the *Code* fully and effectively.

This year was not only about new developments. Some issues continued to play a prominent role in the public debate about the kind of society that Canadians are trying to build. Ontario continues to receive a significant share of immigrants to this country. Immigrants bring with them fresh vision and new resources. However, not everyone is comfortable with their presence and with the changes resulting from them being here. A controversy in Markham this year, which was directed at citizens of Chinese origin, was a good example of how the changing face of Ontario provokes expressions of intolerance. Intolerance based on race, place of origin and ethnic origin is inconsistent with the letter and the spirit of the *Code*. Such incidents highlight the importance of sustained and constructive community relations.

Another debate that resurfaced was the age-old one of racial equality and the extent to which race plays a role in the justice system. In 1995, this issue was examined in a report by the government-appointed Commission on Systemic Racism in the Justice System. The report provided evidence of systemic problems that revealed that black males in Ontario are not receiving the same treatment at the hands of the criminal justice system as white males. The conclusions confirmed long-standing concerns among racial minorities about unequal treatment in the system.

Women's rights also had a prominent place on the human rights agenda this year. The Beijing Conference brought women and their human rights to the front pages of newspapers around the world. In Canada, a Statistics Canada report showed that the gap between the earnings of men and women widened. While the *Employment Equity Act* was repealed in this province, legislation aimed at closing the earning gap was introduced or reinforced in other jurisdictions, notably in Quebec and federally.

HIGHLIGHTS OF 1995–1996

The Commission continued to make important gains, in part as a result of the non-legislative measures that the Commission began to implement two years ago. These are some of the results as at March 31, 1996:

- ◆ the average age of a complaint in the system remained steady at just over 15 months;
- ◆ OHRC's case processing productivity in 1995–1996 improved by about 8 per cent, despite a five-week strike in the Ontario Public Service that year;
- ◆ the Commission has taken important steps in managing public education more strategically, in enhancing its profile and increasing its presence through a number of educational initiatives.

Despite these gains, it is also true that our work is becoming more complex and difficult as the patterns of discrimination change. The agency has begun developing strategies to assist it to become more responsive and better able to deal with broader social justice issues. The following sections will address some of the strategies and accomplishments of 1995–1996.

Case Management

In 1995–1996, the Commission received a total of 1,845 formal complaints, 16% more than the previous year and the highest number of complaints ever received in a single year.

The size of the Commission's caseload is not the best indicator of efficiency. Indeed, the number of complaints in the system depends primarily on the number of complaints filed at any given time. The real measure of effectiveness is assessed more accurately in three ways. The first is related to case management results and strategies. The second is the extent to which the Commission tackles issues strategically and is able to deal with broader social demands for education and human rights literacy. And finally, its ability to do both within the confines of its financial allocation.

Over a third of complaints to the Commission were resolved within the first 90 days under the Early Settlement Initiative. Of the remaining complaints, about 45% were resolved within 24 months. These figures are important because they show that the Commission succeeded in resolving a significant number of its cases through settlement and conciliation initiatives.

The Commission resolved 1,374 formal complaints excluding early settlements, the highest number ever achieved in one year. The total number of complaints in the system at the end of March was 2,899. The average age of a complaint in the system remained steady this year at just over 15 months. Only 220 complaints that were more than three years old were in the system as at March 31, 1996.

The Commission's success in reaching its case management goals is largely due to the Quality and Quantity Assurance Program that was introduced in 1993–1994. This year, the Commission continued to implement and reinforce the program by instituting a pilot project in the regional offices of Toronto Central and London. The project deployed resources to the front end of the complaints process by assigning experienced human rights officers to deal with complainants from the time of their initial contact and to assist in drafting complaints. The officers' experience and knowledge of how the complaints resolution process works helped to deal expeditiously with complaints at the outset of the process. It also meant that callers to the Commission received important information about their options for resolving complaints immediately. As a result of the pilot project, the overall time it took to resolve complaints in the project was reduced.

The Commission's regional offices responded to 64,609 inquiries and made 24,001 referrals. In addition, the Public Policy and Public Education Branch responded to over 600 calls and written requests for advice, information and guidance about public education and policy matters. As part of its mandate, the Public Policy and Public Education Branch assisted businesses and the not-for-profit sector to develop guidelines and policies, as well as "best practices" standards in the workplace, on a range of human rights topics including alternate work, accommodation and religious leave.

Finally, the Commission met its budget targets this year, while managing a caseload of 2,900 complaints.

Reconsideration

The Reconsideration function of the Commission is located in the Legal Services Branch. Under the *Code*, complainants may seek reconsideration of a decision of the Commissioners not to investigate their case, or after investigation, not to refer their case to an independent board of inquiry. All applications for reconsideration must demonstrate that there is an issue as to the integrity of the Commission's administrative processes, that factual circumstances have changed since the Commission's first decision, or that these are new facts which were not previously available.

At April 1, 1995, the reconsideration caseload stood at 320, and an additional 345 new applications were received over the course of the year. Through the work of the one reconsideration officer, and with the support of the Commission's lawyers, articling students and a group of officers whose part-time assistance was provided by the Regional Services and Systemic Investigation Branch in fiscal 1994–1995, 567 reconsideration cases were closed during the fiscal year. There are currently less than 10 cases under active investigation.

As a result of changes in technology and a careful review of the legal criteria necessary to meet the requirements of section 37 of the *Code*, a more efficient processing of reconsideration cases has been possible. The current turn-around time for new reconsideration applications is **less than one month**.

Training and Development

In response to staff requests for training to deal with challenging customers, training sessions were developed in partnership with the Clarke Institute and were provided to Commission staff during the months of September, October and November, 1995. These training programs were designed to provide effective customer service by telephone and in personal meetings. Some of the topics addressed included:

- Intervention Strategies for Difficult Situations
- Supportive Measures for Staff Dealing with Challenging Customers
- Personal Safety Techniques
- Factors in a Safe Environment
- Assessment for Potential Aggression

As a follow-up, a policy on dealing with challenging customers was developed and all staff were provided with a copy of *Guidelines for Dealing with Challenging Customers* along with reference material.

Because of the success of the *Dealing with Challenging Customers* training programs in Metro Toronto, the Commission initiated a program to address training needs at the local level outside Metro Toronto. The Commission began to work with a learning network known as the Inter-Ministry Learning Opportunities Project (IMLOP). IMLOP provides cost-effective training at the local level and establishes a focal point for training programs to facilitate access by government staff outside of the Toronto area.

Various outside Ministries attended this program and the partnership arrangement with IMLOP provided Commission staff with the opportunity to be exposed to individuals in other fields of work in the broader OPS. As part of the ongoing focus on upgrading the training that is received by all staff, the Commission is also preparing a new Staff Orientation Program. The program components will include a Resource Manual, which contains detailed information about the structure of the Ontario Government, the Ontario Public Service and the values, structure, programs and management policies of the Commission, as well as a modular, computer-based training program which will be provided on the network or on disk.

CREATING A CULTURE OF TOLERANCE

While anti-discrimination legislation outlaws unequal treatment, human rights education targets attitudes and assumptions that often lie at the heart of discriminatory practices. Naturally, the size of the human rights complaints caseload and the length of time it takes to deal with complaints, tend to receive the most attention from the media, complainants and respondents. As a result, public education is sometimes underestimated or ignored, despite the significant role that it can play in assessing the overall strategy of a human rights program.

Awareness of individual rights and meaningful access to justice are critical tools in the struggle for dignity and equality. They define the objectives of human rights education: the first is to improve human rights literacy, that is, to improve awareness and understanding of the *Code* generally. The second requires access to specific training and education. The Commission frequently receives requests for advice from community groups, employers and individuals on a variety of topics ranging from reviews of internal policies to assessments of hiring questionnaires, to questions about business practices and policies.

This year, the Commission stepped up its efforts to increase its presence in a wide variety of sectors, including francophone educational services, business and legal associations, as well as service agencies for aboriginal persons. As a result, public education activities co-ordinated by the Public Policy and Public Education Branch in the second half of the year surpassed by four times, the number of activities that were conducted in the first half. In addition, both Regional Services and Legal Services continue to participate in a wide variety of public education sessions.

Public education goes beyond simply making presentations. It includes liaison with community organizations and social justice organizations, providing advice and utilizing technology effectively to reach larger audiences. For this reason, new initiatives have been targeted to make human rights materials more accessible. To improve human rights literacy and access to human rights documents, the Commission began to take steps to put the *Code* and other Ontario Human Rights Commission documents on the Internet.

Bringing the *Code* to the Education Sector

Most importantly, the Commission began a concerted focus on its most important audience — youth.

In Ontario, young people from all cultures and backgrounds meet on common ground: the classroom. As a centre of both formal and informal education, the classroom is a social and cultural hub for communities and an ideal training ground for promoting understanding and acceptance. Unfortunately, experience has proven that it can also become a breeding ground for conflict and intolerance. Taking active steps to create a culture of tolerance in our schools is a fundamental prerequisite for a healthy democracy.

In May, 1995 the Commission launched a package of pedagogical materials for secondary students entitled *Teaching Human Rights in Ontario*. The package, which is still being distributed, contains materials and handouts designed to introduce students to the protection of human rights in the *Code* and to help them understand the role of the Commission. The materials are also a catalyst for discussion about the rights and responsibilities that flow from the *Code*.

Teaching Human Rights in Ontario was launched during ceremonies held in a number of schools across the province, with the participation of Ministry of Education and Training officials, local school board representatives and students.

The package, in both English and French, was sent to every secondary school and every school board in Ontario. Over 1,300 copies have been sent to other individuals and groups at their request. The material is currently being used to teach human rights in community colleges and universities, in Adult Basic Education and in English as a Second Language classes. The Commission is pleased that Toronto region of the Society for Intercultural Education, Training and Research (SIETAR International) has also recommended its use.

No effort to create a culture of tolerance can be complete without capitalizing on the explosion of computer-assisted communications and information technology. The Commission took its first small step this year with the generous assistance of the Canadian Human Rights Commission. The Ontario Human Rights Commission has now posted information about the *Code* and the Commission, and this information is available to students in thousands of Canadian schools on "SchoolNet", as

well as to millions of Internet users worldwide (<http://www.chrc.ca>). The Public Policy and Public Education Branch has initiated a study to establish an independent website.

The Commission also continued its work as an active member of the Antiracist Multicultural Educators' Network of Ontario ("A.M.E.N.O."). A.M.E.N.O. works with educators to deal with ethnocultural equity in educational institutions and in society at large. A.M.E.N.O. also promotes anti-racism strategies, programs and new developments in multiculturalism. In addition to the Commission, its membership includes representatives from school boards, facilities of education, government and agencies.

The Commission is also a member of the Equity in Learning Materials Committee, which was created by the Ministry of Education and Training to provide input and direction for guidelines being developed to assist teachers to identify and remove bias from materials in the classroom. In August, 1995, the group submitted a draft manual to the Commission for review and comment.

Dealing with Hate

Over the last few years, it has become common to see teachers, publishers or writers brought to justice for promoting doctrines of hate, including anti-Semitism and white supremacy, or for their involvement in groups that promote such doctrines. It is no surprise that the United Nations declared 1995 the International Year of Tolerance. Unfortunately, the Year of Tolerance disappeared with barely a splash. Toronto publisher Ernst Zundel appeared in a Toronto courtroom this year on charges of making public statements inciting hatred. Moreover, information technology is being used increasingly on an international scale by individuals and groups to disseminate hate propaganda.

The increasing sophistication of hate groups calls for effective strategies. The Commission is represented on the Interministerial Committee on Anti-Hate Initiatives, which includes representation from the Ministry of the Attorney General. Chief Commissioner, Rosemary Brown also met with representatives from the League for Human Rights of B'nai Brith (Canada). Discussions centred on legal and non-legislative solutions to hate crimes, human rights education and the role the Commission can play in facilitating community partnerships and dialogue. The League promotes human rights for all Canadians and combats racial discrimination and anti-Semitism. The Public Policy and Public Education Branch is also represented on the League for Human Rights' Community

Advisory Committee, whose mandate is to develop guidelines for community action against hate propaganda and dissemination.

This year, the Commission invited members of the Metro Toronto Police Services' Hate Crimes Unit to share information and strategies in dealing with incidents of racially-motivated hate activities among students. The presentation provided Commission staff with some tools needed to recognize hate-motivated activities, both in human rights casework and in reporting hate crimes to the police.

The Commission also provided input into a public information brochure prepared by the Metro Police's Hate Crimes Unit. The brochure is a joint project with the Metro Police and the League for Human Rights of B'nai Brith.

Discrimination against Lesbians and Gays

One of the most visible targets of discrimination in our society is still the gay and lesbian community. The *Code* prohibits discrimination against gays and lesbians in services, accommodation, employment, contracts and vocational associations. Although everyone in Ontario is entitled to the same dignity, respect and opportunity, incidents of gay-bashing and discrimination on the ground of sexual orientation continue. The Commission's role in ensuring that members of the gay and lesbian community enjoy their full rights in Ontario, goes well beyond resolving individual complaints.

This year, the Commission continued its participation in a community-based group which met monthly at the 519 Church Street Community Centre to discuss issues facing the lesbian and gay community. The Commission provided information about the *Code's* protection against discrimination on the ground of sexual orientation. The group formulated effective strategies to deal with its central mandate — eliminating gay-bashing. The Centre launched an awareness campaign and also published the results of a survey of 300 victims of gay-bashing.

As in previous years, the Commission had a display booth at the Lesbian and Gay Pride Day Parade. The annual event is an opportunity for the Commission to provide information and assistance to members of the gay and lesbian community about the *Code*. As part of its mandate to conduct analysis of legislation, the Commission began reviewing Ontario statutes to identify provisions whose application results in adverse impact on the gay and lesbian community. The legislative review coincided with the third

Creed and Religious Rights

anniversary of the *Leshner*¹ case, which held that the definition of “marital status” in the *Code* should be read to include same sex partners. Although the *Code* has not been amended to comply with the finding in *Leshner*, the Commission continues to litigate these and other issues in an effort to obtain meaningful equality for gays and lesbians. The legislative review will be used as research and an analytical tool for Commission staff.

Ontario’s diversity makes it important to find sensitive, pragmatic ways to accommodate individuals on the grounds of religious beliefs and practices. One of the more difficult issues surrounding accommodation is determining the practical meaning of the standard of “undue hardship” in the *Code*. Under the *Code*, an employer, service provider, landlord, etc. is required to modify work rules or other requirements on the grounds of creed, but only up to the point of undue hardship. For example, if an employer can demonstrate that accommodating the scheduling requests of a group of minority religious workers will create inordinate costs or health and safety dangers, there is no obligation to accommodate. However, the standard of what constitutes “undue hardship” is a difficult one.

This issue was considered by an Ontario board of inquiry in 1995 in the *Roosma*² case. Several complainants who worked shift schedules claimed that they had been discriminated against because of their membership in the Worldwide Church of God. The facts of the case were similar to those in the landmark Supreme Court decision in *Ontario Human Rights Commission and O’Malley v. Simpsons-Sears Ltd.*,³ (“*O’Malley*”) in that the workers were warned and eventually dismissed by their employer because of their refusal to work shifts that fell on a Friday night or Saturday.

Unlike the corporate respondent in *O’Malley*, the respondent in *Roosma* presented voluminous evidence which indicated that it had carefully considered all of the accommodation proposals offered by the complainants. These included paying the overtime

¹ *Leshner v. Ontario*, (No.2) (1992), 16 C.H.R.R. D/184 (Ontario Board of Inquiry)..

² *Roosma et al. v. Ford Motor Company of Canada Ltd. and the National Automobile and Agricultural Implement Workers of Canada, CAW Local 707*, (Ontario Board of Inquiry, Mercer) July 14, 1995, Decision 95-033.

³ (1985), 7 C.H.R.R. D/3102.

for workers to work the Friday night shifts for the complainants; working until sunset on Fridays; being transferred to non-bargaining unit jobs; working six months straight days during the winter and six months of straight nights during the summer so that student replacements could be used Friday nights, etc. After examining the evidence, the board concluded, on the facts of the case, that none of the options could be implemented without causing undue hardship and it dismissed the complaint.⁴

Roosma showed that undue hardship is a relative concept. Accommodation measures may cause undue hardship to one employer but not to another. It is possible that a method of accommodation which does not cause undue hardship to an employer at present may cause undue hardship in the future. This may happen as circumstances change; for example, the number of employees requesting accommodation may increase significantly. Therefore, it is important to take into consideration all the relevant factors when attempting to determine when the standard of undue hardship is met.

There is a lack of resolution about rights and obligations in the area of creed. In order to address the matter, the Commission has begun work on guidelines for interpreting the *Code*'s provisions dealing with creed in order to provide practical policy assistance to employers, educational administrators and others. In 1994, the Quebec Human Rights Commission was called upon to make a public policy statement on religious pluralism in Quebec, with specific reference to the rights of female Muslim students to wear the Muslim veil (hijab) in public schools. The public sought the Quebec Commission's position after a girl was expelled from public school for wearing the veil and after reports that a private Muslim school was compelling non-Muslim teachers to wear the veil.

This year, the Ontario Human Rights Commission was asked to provide a policy opinion on a similar matter. The Commission took the position that Muslim girls should be permitted to wear head scarves in school, whether or not the school has a school uniform policy.

⁴ The Commission has appealed this decision to the Divisional Court.

Human Rights in Health Care

The Commission received some 175 complaints this year against institutions in the health care sector. The majority of complaints were based on race and race-related grounds. Last year, the Ministry of Health expressed concerns about allegations of discrimination in various health care institutions. The Ministry's Joint Policy and Planning Committee subsequently created a task force, the Ontario Hospital Association Anti-Racism Project Task Force, to assist hospitals throughout the province to develop anti-racism strategies and to implement anti-racist organizational change.

The Commission was invited to contribute its expertise in developing the Task Force's Anti-Racism Resource Package. In November of this year, the Task Force submitted a draft to the Joint Committee. The proposed package contains a video, anti-racism policy guidelines, a self-assessment tool for use by organizations, and other resource materials.

A catalyst for the creation of the Ministry's Task Force was a group of ten complaints filed in 1991 against Northwestern General Hospital by racial minority nurses, who alleged that the hospital discriminated against them on the ground of their race. As part of the multi-faceted settlement to the complaints in 1994, the hospital agreed to report to the Commission every six months for the next three years, concerning its progress in implementing the terms of the settlement. The settlement involved both individual remedies and an agreement to introduce systemic anti-racism changes at the hospital.

Over the past year, the Vice President of Ethno-Racial Equality has consulted extensively with Commission staff, who in turn supplied input and feedback on various aspects of the program. The following are highlights of progress made during this year:

- 700 staff and volunteers have been given anti-racism training;
- an anti-racism action plan is being developed;
- the hospital developed anti-discrimination and anti-harassment policies, and
- an employment systems review has been conducted.

Another concern in the health care sector has been the potential effect of the *Regulated Health Professions Act, 1991* which was proclaimed on December 31, 1993. Under that Act, only regulated health professionals or those whom they delegate may perform

certain potentially hazardous activities during the course of their work. Nurses and nursing assistants must now be registered with the College of Nurses of Ontario. Before this requirement was introduced, nurses and nursing assistants did not have to be registered.

The Ontario Nursing Association (ONA) represents the single largest block of nurses in the province. The ONA argues that the new requirement threatens the continued employment of these working graduates and that it has an adverse impact on graduate nurses and nursing assistants, many of whom are from countries other than Canada, the U.S. or Britain, where the language and/or training requirements differ. Many have been employed continuously as practising nurses in Ontario since at least 1981.

In 1993, the College of Nurses decided that working graduates who seek to qualify must “register” within three years, during which time they would be classified on a provisional basis. Registration requires the successful writing of the Canadian Nursing Association Testing Services examination. If, after three years, a graduate fails to register, the provisional status is revoked and the graduate is not allowed to continue nursing.

A Focus on Disability Issues

Over the last few years, the largest single category (25%-38%) of complaints to the Commission has been on the ground of disability. This remains an important strategic area for the Commission.

This year, the Commission assisted a hearing-impaired complainant to negotiate a settlement with the Ministry of the Attorney General to ensure that visual language interpreters are provided in Small Claims Courts and their offices throughout Ontario.

Originally, the complainant had approached the Commission’s Hamilton Regional Office for assistance after staff in a Small Claims Court office were unable to provide a visual language interpreter to assist her in the filing of a claim. Instead of an interpreter, the Court staff had provided her with informational brochures about the Small Claims Court system and suggested she read them and then communicate any questions she might have in writing.

Because English — written or spoken — is so different from American Sign Language, the complainant did not feel comfortable with this option.

According to the terms of the settlement, the Attorney General's office will set up a \$10,000 fund to pay for visual language interpreters for deaf customers to the province's Small Claims Courts. "Visual language interpretation" will include American Sign Language, deaf-blind interpreter services, deaf interpreter services, text-based interpretation services, and the Langue des signes du Québec. Paid interpretation services will be available to litigants, witnesses and members of the public making general inquiries, and will be in the Courts' administrative offices, pre-trial conferences, and all Court proceedings.

Under this new arrangement, a simple set of procedures has been established to arrange for the services of suitable interpreters and to pay them properly. The system is designed to respect the service users' dignity and privacy and is in accordance with the Commission's guidelines on accommodation for people with disabilities.

It essentially extends a service that is already provided by law throughout the rest of the court system.

This year, the Commission also reviewed proposals affecting the *Ontario Building Code* in order to ensure that the proposals comply with the *Human Rights Code*. The proposals were contained in a document entitled "Back to Basics: A Consultation Paper on the Focus of the *Ontario Building Code*", prepared by the Housing Development and Buildings Branch of the Ministry of Municipal Affairs and Housing. The Commission urged the Ministry to ensure that the final version of the document continues to reflect both the spirit and letter of the *Code*.

The Commission expressed concern that access for persons with disabilities appeared to receive less weight as a basic principle in the Back to Basics document as compared to other principles. The Commission reaffirmed its view that access should be expressed as a guiding principle.

It has been the Commission's experience that businesses that are respondents in human rights complaints argue that making buildings accessible will not benefit a broad sector of society. They point out that accessibility imposes a financial burden at a time when the economy is fragile. The law, however, is clear. The *Code* provides that persons with disabilities must be accommodated, short of undue hardship. The Commission recommended to the Ministry of Municipal Affairs and Housing that the standard of undue hardship should be based on objectively verifiable factors

such as quantifiable and foreseeable costs. These costs may take into account the availability of outside sources of funding as well as health and safety risks, according to the *Code* and to the Commission's "Guidelines for Assessing Accommodation Requirements for Persons With Disabilities".

The Commission was pleased to learn that the Minister of Municipal Affairs and Housing, Mr. Al Leach, assured stakeholder groups that the government has no plans to reduce the standards presently set out in the *Ontario Building Code*.

A positive development for accessibility this year relates to the continuing efforts by a major movie theatre chain to continually improve its service to patrons with disabilities. Cineplex Odeon Corporation advised the Commission of ongoing efforts to improve customers' ability to park and enter Cineplex buildings. Access to washrooms, telephones and concession stands has been improved. In accordance with the principle of accommodation with dignity, patrons with disabilities will be able to seat themselves according to preferred locations in the theatre.

In older theatres, Cineplex Odeon has reported that level seating in the rear is now available for wheelchair users. In newly built theatres, adjustable seats have been introduced so that patrons who use wheelchairs can slip into them easily. This seating has been placed on the centre aisle in front, centre and rear locations. An increased number of assistive hearing devices will be available and better advertised at the box office. Staff are being trained to deal with accommodation issues appropriately, and a policy allowing guide dogs in the theatres has been instituted.

The Commission applauds the efforts of companies such as Cineplex Odeon who are making tangible efforts to allow persons with disabilities to access and enjoy these entertainment services. Measures such as these make cinema facilities significantly more comfortable and enjoyable for movie-goers who require accommodation. The measures reflect the spirit of the *Code* by respecting the dignity of people with disabilities.

Women's Issues

“ Violence against women
is an affront to civilized society.
We all share the responsibility to end it.
The determined effort of men, women,
community groups and governments
is necessary to do so.”

*Chief Commissioner Rosemary Brown,
Letter to the Editor (The Globe and Mail)
on the anniversary of the Montreal Massacre, December 6, 1995.*

As thousands of women gathered in Beijing for the United Nations' Fourth World Conference on Women in 1995, women's perspectives on violence, discrimination and religious oppression were integrated into the final platform for action. Both the resolutions and the reservations contained in the platform highlighted the central issues for women: control over basic decisions about women's physical integrity, sexuality, economic activity and education.

The Beijing platform for action has direct implications for statutory agencies such as human rights commissions. Human rights commissions have the legal responsibility to address discrimination that occurs within their jurisdiction. They have the obligation to abide by international law, practice and standards to which Canada has adhered.

One such issue that surfaced during the Beijing conference and that the Commission is taking steps to address, is Female Genital Mutilation (FGM). FGM is a traditional practice in regions of east and west Africa, parts of the Middle East and elsewhere. FGM involves the cutting and/or excision of the sexual organs of girl children. Because of the increase in immigration to Ontario from regions where the practice persists, the Commission has been made aware that girl children from affected communities are at risk in Ontario. There are, as well, important questions surrounding the care and treatment of women who have undergone the procedure.

At the 1995 conference of Canadian Association of Statutory Human Rights Agencies (“CASHRA”), Chief Commissioner, Rosemary Brown tabled the following resolution:

Whereas Canada is participating in an international initiative to eradicate the practice of female genital mutilation...be it resolved that CASHRA recommend to the Minister of Employment and Immigration that all prospective immigrants be provided with information setting out Canada's commitment to upholding international human rights instruments; emphasizing that the protection and respect of human rights is a cornerstone of Canadian society and extends to the protection of women and children against acts which would cause grave interference with their personal inviolability, including female genital mutilation.

The Commission began extensive research on FGM in order to release a policy position paper on the human rights implications of the practice. The policy is scheduled for release in May, 1996.

LEGAL DEVELOPMENTS

Disability

In the *Thomson* complaint, a board of inquiry examined the issue of whether a provision in a collective agreement which pro-rates the vacation pay of injured workers who are absent from work, discriminates against persons with disabilities. The board of inquiry held in November, 1995 that pro-rating is a restriction or penalty. The reduction in vacation pay has an adverse impact on workers who otherwise would have been entitled to full vacation pay but for the compensable injury. Therefore, a clause that reduces vacation pay on the basis of absence from work may be discriminatory if the employee in question has a handicap within the meaning of the *Code*.

It should be noted that as of March 31, 1996, the board of inquiry had not yet decided on the appropriate remedy in the *Thomson* matter.

Sexual Orientation

The landmark decision in Ontario on the issue of same sex benefits is the 1992 case of *Leshner v. Ontario*. An Ontario board of inquiry held that the government of Ontario, in its capacity as an employer, discriminated on the basis of sexual orientation when it failed to extend spousal survivor pension benefits to the same sex partners of its homosexual employees. Such benefits were provided by the government to the spouses of its heterosexual employees. In reaching this decision, the board found that the definitions of “marital status” and “spouse” in the *Code*—which are both restricted to relationships between persons of the opposite sex—contravened section 15 of the *Canadian Charter of Rights and Freedoms*. The government declined to appeal this decision.

Following *Leshner*, the issue of entitlement to same sex spousal benefits was not resolved. The Commission continues to receive complaints from other gay or lesbian employees who have sought, and been denied, benefits coverage for their partners. Two such complaints, referred to a board of inquiry by the Commission, and arguments were recently heard by the board of inquiry in *Dwyer v. Municipality of Metropolitan Toronto* and *Sims v. Attorney General of Ontario*. No decision has yet been rendered on either complaint.

Race Discrimination

The Commission continues to receive and investigate complaints based on allegations of race discrimination. Two such cases that are currently being litigated are *Wong v. Toronto Hydro* and *Naraine v. Ford Motor Co.*

In *Naraine*, the complainant, an East Indian man originally from Guyana, worked for the Ford Motor Company in Windsor for over nine years. During that time, the working environment was allegedly poisoned by racist graffiti and by racist verbal comments that were directed at him and, in some instances, directed at other racial minority employees. The complainant alleged that he was given inferior work assignments and training and that he was subject to a higher level of scrutiny and discipline than other employees.

Eventually, the complainant was terminated following an allegation that he assaulted a co-worker. The hearing in this case was conducted over 33 days in 1995 and 1996, and the evidence called, spanned nine years of employment. Final argument is expected to be completed in late June, 1996.

In *Wong v. Toronto Hydro et al.*, the complainant, originally from Hong Kong, worked as an electrical engineer for the respondent for nearly 13 years. In 1989, he filed a complaint alleging discrimination because of race, ancestry and ethnic origin. The complainant alleges that, for these reasons, his work had been undervalued and that he had been unsuccessful in some 29 job competitions while working at the respondent company. Evidence is still being called.

In *Quereshi v. Toronto Board of Education et al.*, the complainant alleged that he was subject to discrimination in employment on the basis of race, sex, creed, place of origin and ethnic origin. He had been a supply teacher who alleged that he had been passed over for a permanent position in favour of a woman from Great Britain. The board of inquiry upheld the complaint. The Divisional Court allowed the respondents' appeal with respect to the findings of constructive discrimination. The Commission has been granted leave to appeal to the Court of Appeal. The classification and interaction of the concepts of direct, indirect, constructive, intentional and unintentional discrimination will be raised on this appeal.

Espinoza v. Coldmatic Refrigeration of Canada et al., involved a complainant who alleged that he had been subjected to discrimination, harassment and a poisoned workplace because of, *inter alia*, his ancestry, ethnic origin and place of origin. The board upheld the complaint, and found that the complainant's workplace discriminated against employees who had emigrated from Latin America and South America.

The respondents have appealed the board's findings of discrimination and the board's award of damages to the complainant for mental anguish.

These cases, and others like them, involve evidence of both subtle and direct patterns and practices of discrimination engaged in by employers and co-workers. The evidence of experts on racial matters may be relied upon. As race discrimination is rarely overt, and is more typically practised in a covert and/or unconscious manner, these cases are difficult to prove.

Creed

In *Jazairi v. York University et al.*, the complainant alleges that he was subject to discrimination based on creed. The Commission investigated the complaint and was of the view that the treatment of the complainant by the respondents was based on the complainant's political beliefs, not his creed. Consequently, the Commission decided not to refer this complaint to the board. The complainant sought judicial review of the Commission's decision, arguing that the ground of "creed" in the *Code* includes political belief.

Sex

In *Jodoin v. Ciro's Jewellers (Mayfair) Inc. and Morris Nash*, the complainant was terminated from her position as store manager of Ciro's King store, alleging that the reason for her dismissal was her pregnancy. The respondents contended that the complainant's dismissal was a function of her incompetence as an employee.

On hearing the evidence, the board found that the personal respondent dismissed the complainant, at least in part, because she was pregnant and could not work 12 hour shifts. It was further satisfied that no efforts had been made to accommodate the complainant although accommodation could have easily been achieved.

Thus, the board found that the complainant was denied equal treatment without discrimination because of sex by the personal respondent and, following from this liability, by the corporate respondent. The respondents were held jointly and severely liable for the violation and ordered to make payment of \$16,334.43.

In *Tomen et al. v. Ontario Teachers Federation et al.*, the complainants alleged that a by-law compelling them to belong to a union restricted to female teachers, constituted discrimination based on sex because the women preferred to join the union for male teachers. The board upheld the complaint. On appeal to Divisional

Court, the Court held that the segregation into men's and women's unions was discriminatory, and that the all-female union was not a special program pursuant to section 14(1) of the *Code*. The Court of Appeal has granted leave to appeal.

In *Reed v. Cattolica Investments Ltd. and Ragusa*, an Ontario board of inquiry has held for the first time that a complainant had been sexually harassed by a landlord, contrary to section 7(1) of the *Code*. The complainant was awarded, *inter alia*, \$2,000 in general damages as compensation for this infringement.

Procedural Issues

Section 41(4) of the *Code* provides that where a complaint is dismissed and the board finds that the complaint was trivial, frivolous, vexatious or made in bad faith, or that undue hardship was caused to the respondent, the board *may* order the Commission to pay the respondent's costs. While this power had been exercised sparingly in the past, it is being used more frequently of late.

Most recently, the Commission was ordered to pay the respondents' costs in *Grace and Belford v. Mercedes Homes*. The complainants in that case alleged that they had been subject to discrimination based on sexual orientation and handicap by their landlord. The complaint was dismissed, and the board released a separate decision on costs. The board found that the testimony of the complainants was not credible, and that the complaints were trivial, frivolous, vexatious and made in bad faith. The board held that, even if the Commission were ignorant of the complainants' bad faith, or innocent of any bad faith itself, the Commission could not be immunized from an order to pay costs.

Finally, in *Douglas Wellington v. Corporation of the City of Brampton*, a complaint of discrimination on the basis of handicap was dismissed by the board on March 31, 1995. The respondents brought a motion pursuant to section 41(4)(a) of the *Code* to have its costs paid by the Commission. The respondent argued that the complaint was vexatious because it was so lacking in merit that it had been irresponsible of the Commission to proceed. In particular, the respondents submitted that the assessment of the merits of the case in the case summary completed by the human rights officer in charge of the investigation was not reasoned or objective.

The board reviewed the civil cases regarding the meaning of the term "vexatious". On the basis of the legal principles set out

in the civil cases, the board accepted the respondent's submission that section 41(4) of the *Code* requires an examination of the entire history of the complaint in determining whether or not the complaint was vexatious.

The board stated that the human rights cases do not provide a satisfactory definition of the term "vexatious". However, the board concluded that "vexatious" includes a lack of *bona fides* or good faith. If there is no substantial legal basis for a complaint, then it could be concluded that the complaint commenced or the proceedings continued with the purpose of harassing or embarrassing the responding party. The board found that section 41(4)(a) of the *Code* should not be interpreted as distinguishing between a vexatious complaint and a complaint made in bad faith. While a claim made in bad faith is not necessarily vexatious, it does not follow that a vexatious complaint cannot be made in bad faith.

The board also considered the question of whose conduct must be examined in order to determine whether the complaint was vexatious. The board concluded that the Commission should not have to pay costs where it is only the complainant who has behaved in a vexatious manner. It was also held that the Commission should not have to bear costs if its own handling of the complaint remained untainted by any of the factors listed in section 41(4)(a) of the *Code*.

The board found that the Commission had behaved responsibly in requiring the issues of the complaint to be determined by a board of inquiry, despite the weakness of the case. The board dismissed the respondent's motion.

Damages

There have been several developments in the area of damage awards in human rights litigation in Ontario. Firstly, there have been three cases this fiscal year which have awarded \$10,000 in general damages for loss of the intrinsic value of one's human rights, dignity, and/or pain and suffering and mental anguish. *Entrop v. Imperial Oil Ltd.* is a case concerning alleged discrimination based on "handicap" and "perceived handicap" stemming from Imperial Oil's "Alcohol and Drug Policy" and the manner in which it was administered. In its "Interim Decision # 7" the board of inquiry found that the complainant's right to freedom from "reprisal" pursuant to section 8 of the *Code* had been infringed, and awarded him \$10,000 to compensate for the intrinsic value of

the infringement of his rights under the *Code*. The board of inquiry ordered the respondents to pay Mr. Entrop an additional \$10,000 to compensate him for mental anguish based on the wilful and reckless manner of the infringement.

In the case of *Lord v. Haldimand-Norfolk Police Services Board et al.*, a board of inquiry also awarded \$10,000 for general damages or mental anguish. This damage award was based on the board's finding that the respondent discriminated against Ms. Lord, who was a police constable, on the basis of sex, by refusing to assign her light duties in the latter weeks of her pregnancy. The board of inquiry found that Ms. Lord had been the subject of both adverse impact and direct discrimination. It found that the policy of the Police Services Board not to allow modified duties was unreasonable and therefore not a *bona fide* occupational qualification. The board held furthermore that there was no evidence that the respondent attempted to accommodate the complainant short of undue hardship, and that it had in fact treated her differently from male staff who had been offered modified duties.

In *Ontario (Human Rights Commission) and Edwin Roberts v. Ontario (Ministry of Health)*, the Court of Appeal allowed an appeal from a Divisional Court judgment upholding the board of inquiry's decision dismissing a complaint. It found that a program which qualifies as a special program pursuant to section 14(1) of the *Code* may still be discriminatory if it arbitrarily denies assistance to someone because of their age. Having had the matter referred back to it by the Court of Appeal, the board of inquiry assessed the general damages to the complainant to be \$7,000 for the intrinsic value lost by the infringement, and \$3,000 for mental anguish.

In an appeal decision, the Divisional Court found in *Hom and Petersen v. Impact Interiors Inc. et al.*, that the board of inquiry erred in making an award for pre-judgment interest on its damages award, since the *Code* did not specifically give boards of inquiry the jurisdiction to make such orders. Leave to appeal this decision to the Court of Appeal was granted to the Commission in March, 1996.

Reprisal

There have also been some interesting developments in the law pertaining to section 8 of the *Code*, which codifies a person's right to enforce and claim her or his rights under the *Code* without reprisal or threat of reprisal. The board of inquiry held in

Chowdhury v. Windsor Public Library Board et al., that while the respondents may not “consciously” have intended to intimidate or take reprisals against Mr. Chowdhury, the focus must be on the impact of their actions upon the complainant. Relying upon the reasons in “Interim Decision #7” of *Entrop v. Imperial Oil Ltd.*, the board held that where a complainant **reasonably** perceives that she or he is being retaliated against because of a human rights complaint, the protection in the *Code* against reprisal is violated.

ESTABLISHING LINKS AT HOME AND ABROAD

The Commission conducted a number of public education sessions this year with community groups, schools and educators, including conferences, seminars and special events. In addition to the public education sessions conducted by Commission staff, the Chief Commissioner and Commissioners spoke to a range of community and professional associations. These included the Black Law Students' Association of Canada, Loretto College School, the Women Teachers' Association (North York), Quetzal Family Homes and the Halton Cultural Awareness Council.

The Commission also had the privilege this year of sharing its experiences with others from around the world, and obtaining valuable information about developments in human rights issues. Two groups from South Africa consulted with the Commission this year. One delegation was from a major brewing company that was developing an employment equity program. As well, Commission staff met with government officials who were working to establish a human rights commission in South Africa.

The Commission was represented at a national conference on "Human Rights and Changing Global Values", held in Alberta in November, 1995. The conference provided a forum for delegates to discuss means of advancing and implementing universal human rights on a local basis. The conference emphasised the progress made at the 1993 Vienna Conference.

The Commission was also represented at a one-day joint meeting in Ottawa for human rights officials from Canada and Indonesia. The meeting was part of a broader initiative sponsored by the Canadian International Development Agency (CIDA) to provide a Canadian vehicle through which human rights agencies from around the world can obtain guidance and assistance from Canadian experts.

The Commission was also invited to participate as a member of the Canadian delegation to a seminar on human rights education held in New Delhi, India. The conference was organized jointly by the Canadian Human Rights Commission and India's National Human Rights Commission. The Ontario Human

Rights Commission presented three papers at the conference, sharing its experience in human rights education, policy and community functions, and its approach to investigative human rights work.

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Ontario Human Rights Commission (Roberts) v. Ministry of Health

Roosma et al. v. Ford Motor Company of Canada Ltd. et al.

Ancestry

Parsonage, Corporate Cuisine v. Canadian Tire Corporation

Breach of Settlement

Jones v. Highmark Properties

Colour

Parsonage, Corporate Cuisine v. Canadian Tire Corporation

Ethnic Origin

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Parsonage, Corporate Cuisine v. Canadian Tire Corporation

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Jodoin v. Ciro's Jewellers (Mayfair) Inc. et al.

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Saunders v. Morsal Developments Ltd. et al.

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Neiznanski v. The Governing Council of the University of Toronto et al.

Race

Joe v. University of Toronto

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Reed v. Cattolica Investments Ltd. et al.

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Sex

Audia v. Workers' Compensation Board

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Lambert v. Peel Board of Education

Lord v. Haldimand-Norfolk Police Services Board

Reed v. Cattolica Investments Ltd. et al.

Saunders v. Morsal Developments Ltd. et al.

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Sexual Harassment

Grainger v. Pic Para Legal Services, a division of 795430 Ontario Inc. et al.

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Barclay v. Royal Canadian Legion, Branch 12 et al.

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Colour

Barclay v. Royal Canadian Legion, Branch 12 et al.

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Mock v. North York Board of Education et al.

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Barker v. Alternative Counselling Services Inc. et al.

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Green v. John's Restaurant et al.

Mock v. North York Board of Education et al.

Marital Status

Holden v. Ron's Lock and Safe Co. et al. and Workers' Compensation Board

Pollard v. Condie Napanee Limited

Ross et al. v. The Crown in Right of Ontario (Ministry of Housing) et al.

Place of Origin

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Race

Barclay v. Royal Canadian Legion, Branch 12 et al.

Barker v. Alternative Counselling Services Inc. et al.

Brien (formerly Jerez) et al. v. Cando Management Ltd.

Chandan v. Emix Ltd. (The Furniture Mall Division) et al.

Green v. John's Restaurant et al.

Hill v. The Board of Education for the City of Scarborough et al.

Jack v. Metro Toronto Reference Library

Reprisal

Borutski v. Hammond

Cattarello v. Kapuskasing Board of Education et al.

Dore et al. v. Clevelands House Limited et al.

Green v. John's Restaurant et al.

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Sex

Barker v. Alternative Counselling Services Inc. et al.

Borutski v. Hammond

Cattarello v. Kapuskasing Board of Education et al.

Crow v. Woodbridge Foam Corporation et al.

Farah v. The Ontario Association for Community Living et al.

Green v. John's Restaurant et al.

Hulan et al. v. Youth Housing (Markham)

McDougald v. Rideau Coiffures Limited et al.

Mendelson v. Canadian Friends of Bar-Ilan University et al.

Milligan et al. v. Mancuso

Pollard v. Condie Napanee Limited

Redden v. Bryant Press Ltd. et al.; Redden v. Graphic Communications International Union Local 500 et al., Button v. Bryant Press Ltd. et al.; Hunter v. Bryant Press Ltd. et al.; Tizzard v. Bryant Press Ltd. et al.

Sexual Harassment

Borutski v. Hammond

D'Andreis v. Manco Construction Ltd. et al.

Dore et al. v. Clevelands House Limited et al.

McDougald v. Rideau Coiffures Limited et al.

Mendelson v. Canadian Friends of Bar-Ilan University et al.

Milligan et al. v. Mancuso

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Sexual Solicitation

Borutski v. Hammond

Cattarello v. Kapuskasing Board of Education et al.

D'Andreis v. Manco Construction Ltd. et al.

Green v. John's Restaurant et al.

McDougald v. Rideau Coiffures Limited et al.

Mendelson v. Canadian Friends of Bar-Ilan University et al.

Milligan et al. v. Mancuso

BOARDS OF INQUIRY – DIVISIONAL COURT

Colour

Malhotra v. Ontario Human Rights Commission

Handicap

Pokonzie v. Ontario Human Rights Commission

Harassment

The Board of Governors of Brock University v. Ontario Human Rights Commission and the Minister of Citizenship (Ontario); Warner

Hom and Peterson v. Impact Interiors Inc. and Walia

Race

Malhotra v. Ontario Human Rights Commission

Place of Origin

Malhotra v. Ontario Human Rights Commission

Reprisal

The Board of Governors of Brock University v. Ontario Human Rights Commission and the Minister of Citizenship (Ontario); Warner

Sex

The Board of Governors of Brock University v. Ontario Human Rights Commission and the Minister of Citizenship (Ontario); Warner

Hom and Peterson v. Impact Interiors Inc. and Walia

Ontario Human Rights Commission and Tomen et al. v. Ontario Teachers' Federation, Ontario Public School Teachers' Federation et al.

Sexual Solicitation

The Board of Governors of Brock University v. Ontario Human Rights Commission and the Minister of Citizenship (Ontario); Warner

Hom and Peterson v. Impact Interiors Inc. and Walia

BOARDS OF INQUIRY – COURT OF APPEAL

Sexual Harassment

Hall v. A-1 Collision and Auto Service and Latif

Sexual Solicitation

Hall v. A-1 Collision and Auto Service and Latif

BOARDS OF INQUIRY – SUPREME COURT OF CANADA

Age

The Corporation of the City of Stratford Police Department and Board of Police Commissioners v. Large and The Ontario Human Rights Commission

FINANCIAL STATEMENT

The Commission's approved year-end allocation for the 1995–1996 fiscal year was \$11,306,400. The Ontario Human Rights Commission operates 16 offices throughout the province, including a head office in Toronto. In addition to investigating and conciliating formal human rights complaints, the Commission's staff addressed 64,609 inquiries and made 24,001 referrals.

COMMISSIONERS

Section 27 of the *Human Rights Code* provides that the Commission be composed of no fewer than seven persons appointed by the Lieutenant Governor in Council.

The Chair of the Commission (Chief Commissioner) is a full-time position. Other members of the Commission serve on a part-time basis.

The Chief Commissioner chairs meetings of the Commission and the Vice-Chair presides over meetings of the Commission in the absence of the Chief Commissioner.

The Commissioners are selected to represent the diversity of Ontario, ensuring both complainant and respondent perspectives and preserving a balanced representation of groups protected under the *Human Rights Code*. In their decision-making, Commissioners are required to be impartial and to implement Ontario's public policy on human rights.

The following are biographical profiles of the Chief Commissioner and Commissioners for this year:

Rosemary Brown *(Chief Commissioner)*

Ms. Brown was appointed Chief Commissioner of the Ontario Human Rights Commission on June 4, 1993. She was the first Black woman to be elected to political office in Canada, serving 14 years as a member of the British Columbia Legislature from 1972 until her retirement in 1986. A champion of human rights, she has earned respect for her work in Canada and around the world. Ms. Brown is a patron of the National Council of Black Educators of Canada and the Vice-chairperson of the South African Educational Trust Fund. She received the National Black Coalition Award in 1972 and the Canadian Black Achievement award in 1994. Ms. Brown, who immigrated from Jamaica to Canada in 1950, is a member of the Privy Council and a member of Canada's Security Intelligence Review Committee. Her autobiography, *Being Brown*, was published by Random House in 1989.

Louis Lenkinski *(Vice-Chair)*

The late Mr. Lenkinski was appointed Commissioner in July, 1987 and Vice-Chair of the Commission in 1994. A member of the Upholsterers' International Union for many years, Mr. Lenkinski served as its business representative from 1958 to 1969. Subsequently, he held the positions of Project

Director and Executive Secretary to the Labour Council of Metropolitan Toronto. In 1975, he became Executive Assistant to the Ontario Federation of Labour and in 1984, he was appointed to be a part-time member of the Ontario Labour Relations Board. Mr. Lenkinski passed away on June 20, 1995.

Marie-Elisabeth Brunet

Ms. Brunet was appointed to the Commission in March, 1995. She is a freelance journalist who has done extensive work for the National Arts Centre's French Theatre Department over the past several years. She also hosted and co-wrote the documentary series *Visionario* on TVO for two years. A resident of Vanier, Ms. Brunet previously worked as a radio and television reporter for Radio-Canada, CJBC and CBLFT Toronto and as provincial co-ordinator for women's groups for Association canadienne française de l'Ontario, Ottawa. Ms. Brunet has been active in her community as a founding member of Comité Action de Sudbury.

Anne M. Cox

Ms. Cox was appointed to the Commission in January, 1995. She is the Executive Director of the Thunder Bay Indian Friendship Centre. She has worked for Correctional Services Canada, Kinna-Aweya Legal Clinic and Ontario Native Women's Association. She is currently a member of the Ad Hoc Native Advisory Committee, Employment Equity Consultation Committee, Thunder Bay Police, the Aboriginal Management Council, and the Board of Governors for Confederation College.

Ida DeJesus

Ms. DeJesus was appointed to the Commission in August, 1993. She is a lawyer currently working with the Labourer's International Union, Local 183 (the Prepaid Legal Benefits Fund). In addition to her professional background, Ms. DeJesus has been a member of the Board of Abrigo (Centre for Victims of Family Violence), a member of the Committee of the 40th Anniversary of the Portuguese Community, Chair of the Luso-Canadian Cultural Council of Hamilton and Vice-President of the Portuguese Canadian National Congress of Ontario.

Alberto Di Giovanni

Mr. Di Giovanni was appointed to the Commission in September, 1994. He is Director of Programs for the Canadian Centre for Italian Culture and Education, a post he has

held since 1976. An expert in language education, he has written extensively on this subject, and from 1984 to 1988 was director of the Ontario Heritage Languages Association. He was a founding member of the Toronto Board of Education Race Relations Committee.

Aida F. Graff

Dr. Graff was appointed to the Commission in September, 1994. She is a research associate at the University of Toronto's Victoria College, where she served as Dean of Women from 1976 to 1990. She is currently President of the board of the Arab Community Centre of Toronto, a settlement and social service agency. She has served on the Ontario Anti-Racism Advisory Working Group, and has been a member of the Ontario Cabinet Roundtable on Anti-Racism.

Robert Milbourne

Mr. Milbourne was appointed to the Commission in July, 1992. A graduate of Metallurgical Engineering, Mr. Milbourne joined Stelco in 1963 and has worked in various positions leading up to his current position as President, Chief Operating Officer and member of the Board of Directors. He is a member of a number of associations including the Canadian Institute of Mining and Metallurgy and was heavily involved in the establishment of the Occupational Health Clinic for Ontario Workers.

Richard Miles

Before his appointment to the Commission in July, 1994. Mr. Miles held senior administrative positions with the Ministry of Community and Social Services, the Federal Secretariat of Disabled Persons Office, and most recently, Handicapped Action Group Incorporated in Thunder Bay. Mr. Miles was appointed by the Minister of Citizenship to the recently concluded Task Force conducting a procedural review of the Ontario Human Rights Commission.

Baljinder Singh Sidhu

Mr. Sidhu was appointed to the Commission in October, 1994. A senior engineer with Xerox of Canada Ltd., Mr. Sidhu is President of the National Alliance of Canadian Sikhs, an umbrella organization of social, educational, sports and religious Sikh groups and individuals from across Canada. He is also a member of the South Asian Steering Committee, which communicates concerns of the Sikh community to the Ontario government.

Elizabeth Hung Sorfleet

Elizabeth Hung Sorfleet was appointed to the Commission in October, 1994. She is Director of the Cross-Cultural and Race Relations Institute, a consulting firm offering services on cross-cultural, race relations and disability issues, conflict resolution and mediation. In 1992, Ms. Sorfleet organized Canada's first race relations conference for police, aboriginal and racial minority communities and the media. She is currently on the Ottawa-Carleton Visible Minority Advisory Committee on Health and Social Services.

Tom Warner

Mr. Warner was appointed to the Commission in February, 1993. He is a senior executive at the Institute of Chartered Accountants of Ontario where his responsibilities include policy development and government relations on behalf of the profession. Mr. Warner has been a founder and member of such groups as the Coalition for Lesbian and Gay Rights in Ontario, the Right to Privacy Committee and the City of Toronto's Lesbian and Gay Issues Committee.

St. Clair Wharton

Mr. Wharton was appointed to the Commission in June, 1991. Before that, he was the President of Local 2858, United Steelworkers of America from 1985 to 1991, and served as vice-president from 1983–1985. He has a wide range of experiences on human rights issues, having served on a number of human rights committees within the Union, including the OFL Human Rights Committee and as a member of the Parkdale Action Committee Against Racism. Mr. Wharton teaches human rights courses and conducts workshops for the union.

COMMISSION STRUCTURE

The Ontario Human Rights Commission (the “Commission”) is a Schedule I agency of the Ontario Government. The Commission administers the Ontario *Human Rights Code* and is accountable to the Legislature through the Minister of Citizenship.

Office of the Chief Commissioner

The *Office of the Chief Commissioner* ensures that the functions of the Commission are carried out in accordance with the provisions of the Ontario *Human Rights Code*. The Chief Commissioner provides strategic leadership to the Commission and ensures, through the Executive Director, the effective and efficient management of its operations, including case management and policy development.

Office of the Executive Director

The *Office of the Executive Director* has administrative responsibility for the agency and directs all aspects of the operations of the agency. Operations are carried out by four branches:

Regional Services and Systemic Investigation Branch

The *Regional Services and Systemic Investigation Branch* is the largest operation of the Commission. All the enforcement functions are incorporated into this Branch, including Regional Services, Case Management and Systemic Investigation. Regional Services include staff working at headquarters and 15 district offices in seven regions of Ontario.

The staff of the Branch’s district offices are, for the most part, the public’s first contact with the Commission. The primary activities of the staff are to handle intake, undertake investigations and facilitate conciliations in the large number of complaints filed each year.

The Branch also targets and investigates systemic practices which operate to unfairly disadvantage one or more groups protected under the *Code*. It develops precedent-setting cases and comprehensive model settlements through strategic enforcement designed to eliminate systemic barriers and put into place broad-based remedies.

The Branch is also responsible for developing strategies to address the Commission’s caseload, as well as maintaining accurate and up to date statistical information. This data is used to monitor the Commission’s caseload, and forms the basis of the Branch’s planning and strategy development. The Branch is responsible for ensuring Regional Managers are apprised of Case Management strategies.

Legal Services Branch

The *Legal Services Branch* assists the Commission in fulfilling all legal aspects of its mandate, including compliance, public education and litigation. Its activities include providing legal advice to officers and regional managers concerning investigation and conciliation of cases, providing legal opinions requested by the Commission, and serving as legal counsel to the Commission before boards of inquiry and the courts on matters of judicial review and appeals. The Commission staff responsible for Reconsideration, reports to the Director of Legal Services.

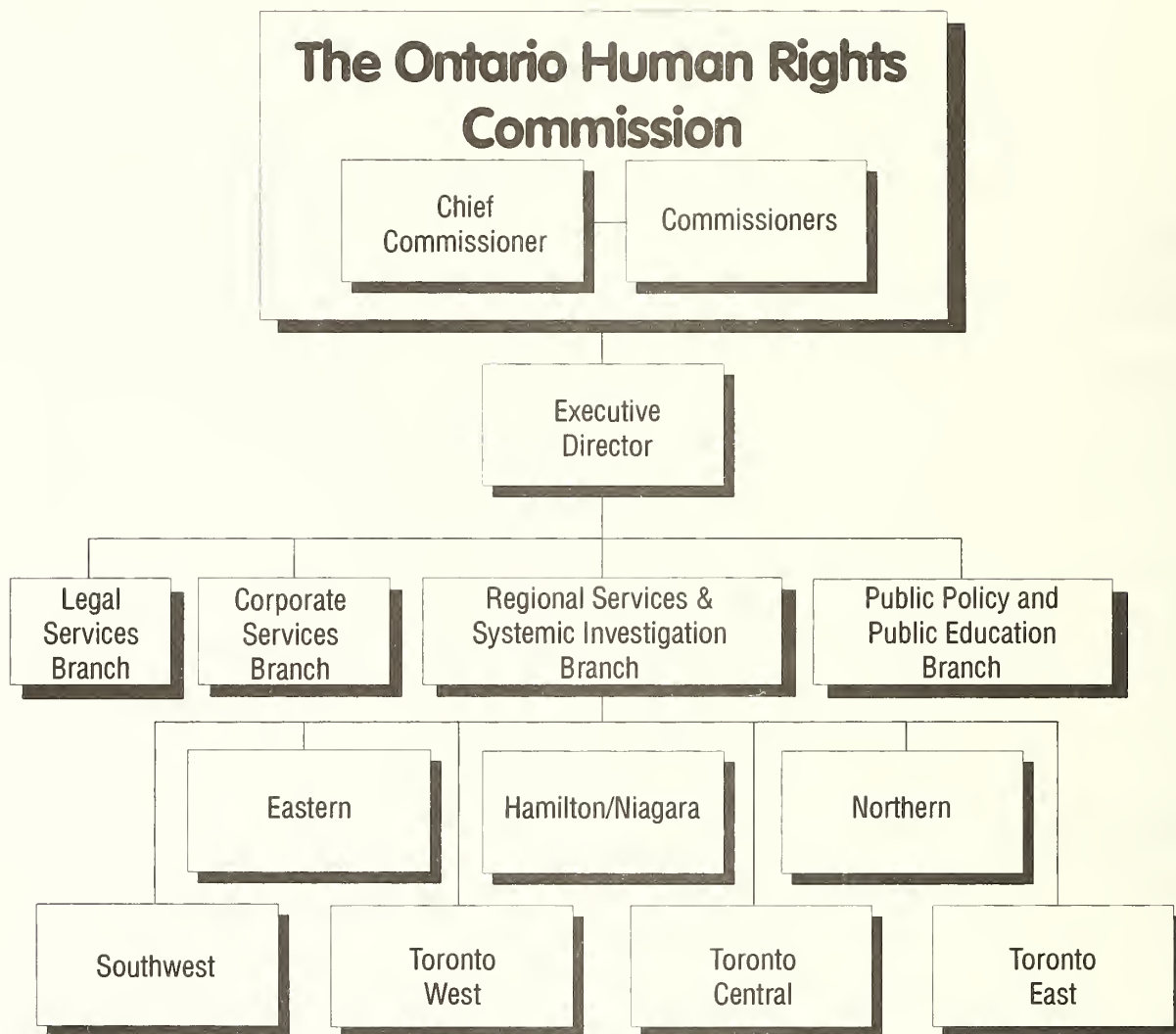
Public Policy and Public Education Branch

The *Public Policy and Public Education Branch* provides leadership and direction for the planning, development and evaluation of the Commission's public policy and related public education functions. The Branch is also responsible for external communications, community consultations and media relations. The Branch prepares guidelines and written policies on the interpretation and application of provisions of the *Code*, researches a broad range of human rights, legal and social equity issues, advises individuals and organizations on human rights issues, provides support to the offices of the Chief Commissioner and Executive Director, and represents the Commission on intergovernmental committees, task forces and delegations. The Branch fosters understanding of and voluntary compliance with, the principles of the *Code* through a range of public education and communications initiatives.

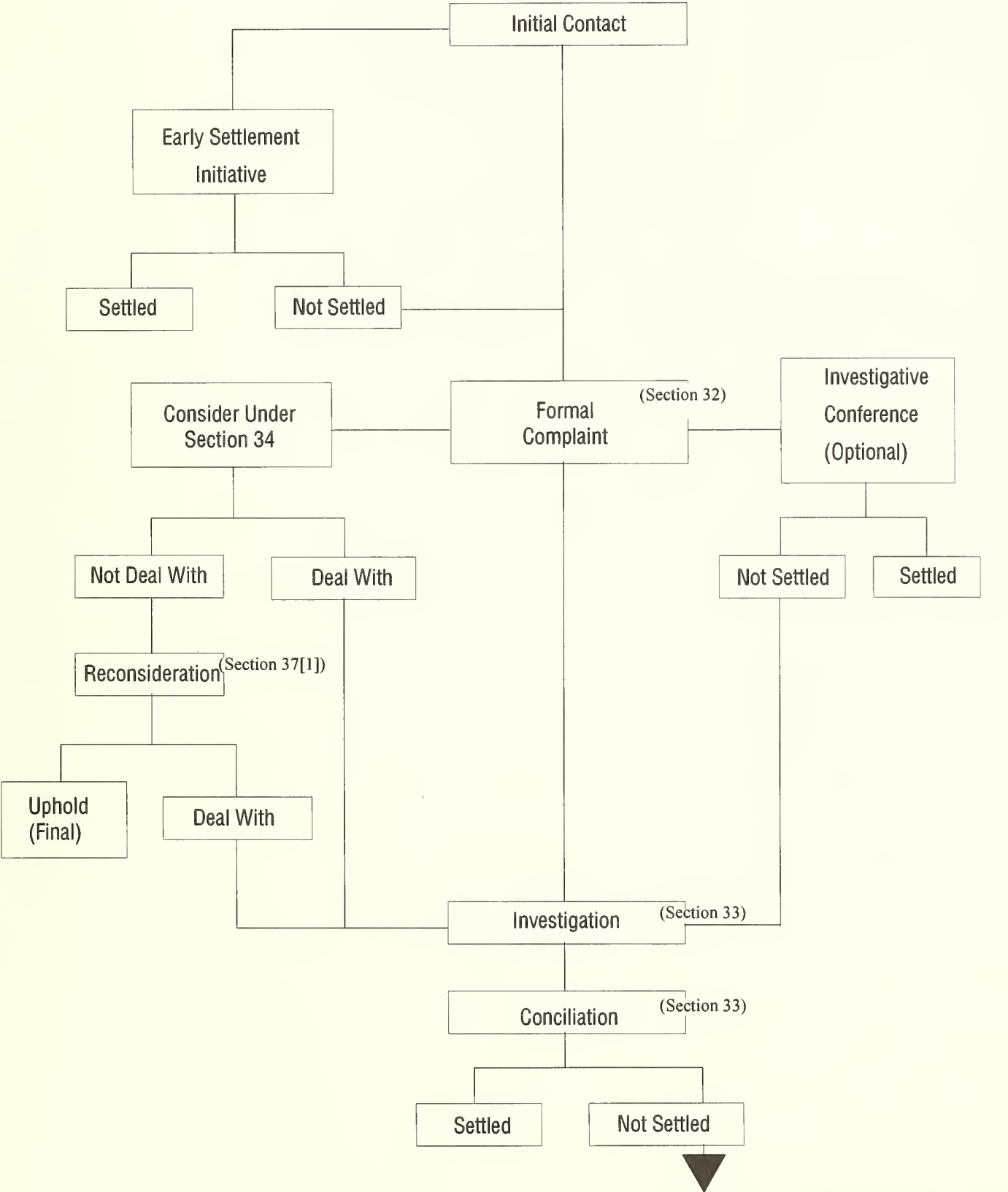
Corporate Services Branch

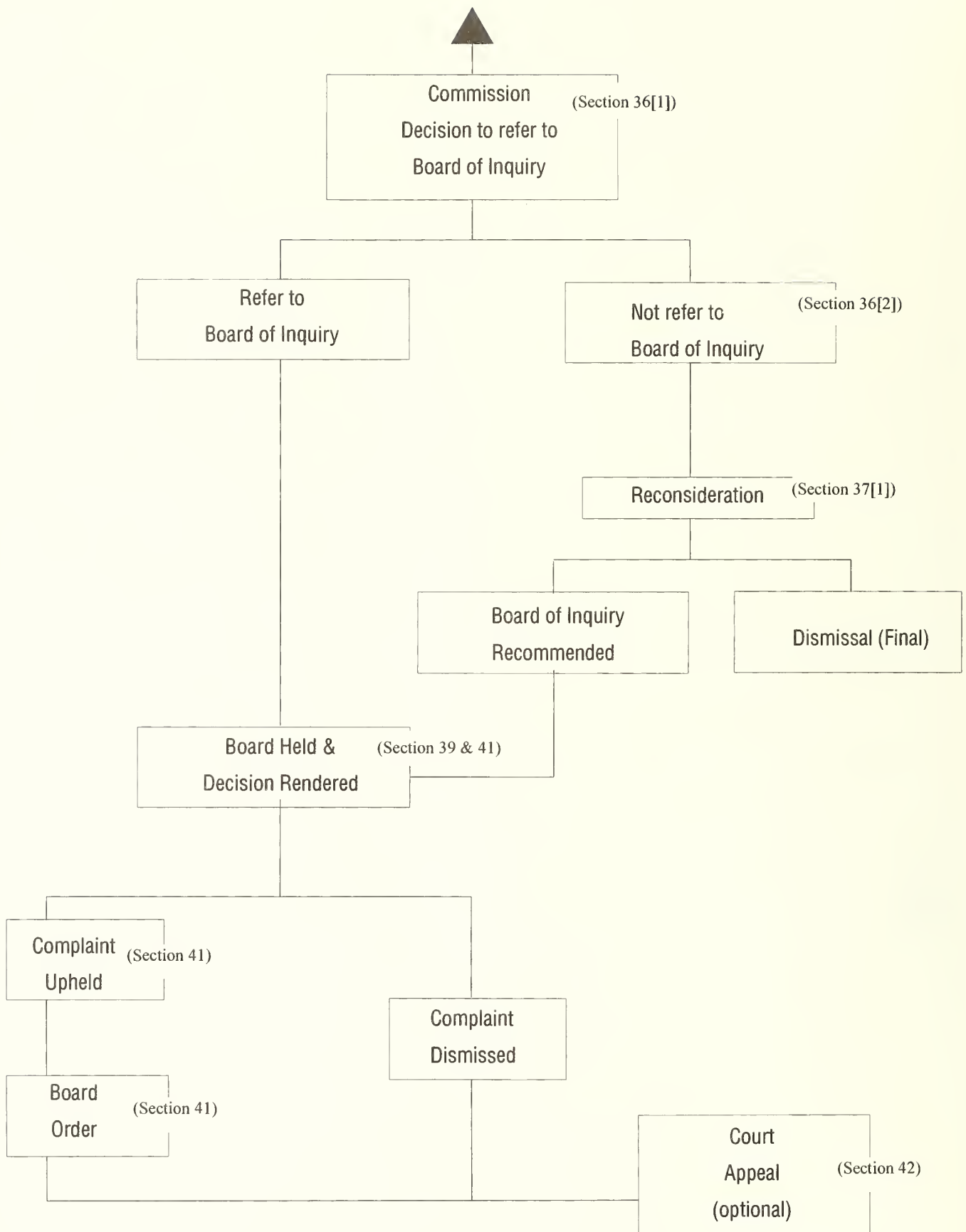
The *Corporate Services Branch* provides service to the Commission in the areas of human resources, operational planning, and finance and administration through the development and implementation of sound management policies and practices. Branch systems development and maintenance activities support the use of information technology within the Commission. The Learning Unit provides staff with training opportunities through the development and design of effective learning programs. The co-ordination of internal communications and the distribution of publications to the public are branch responsibilities. The Branch also ensures Commission compliance with the requirements of the *Freedom of Information and Protection of Privacy Act* and co-ordinates responses to Ombudsman enquiries. In partnership with other Branches, the Corporate Services Branch co-ordinates the implementation of the Commission's Organizational Improvement Initiatives.

ORGANIZATIONAL CHART



COMPLAINT PROCESSING FLOW CHART





OFFICE LOCATIONS

Hamilton

110 King Street West
Suite 310
L8P 4S6
Tel: (905) 521-7870
1-800-263-9344
TDD: (905) 546-8278

Kenora

227 2nd Street South
3rd Floor
P9N 1G1
Tel: (807) 468-2866

Kingston

80 Queen Street
Suite 202
K7K 6W7
Tel: (613) 548-6750
1-800-461-2958
TDD: (800) 267-5755

Kitchener

824 King Street West
Suite 101
N2G 1G1
Tel: (519) 571-6078
1-800-263-9525

London

231 Dundas Street
Suite 303
N6A 1H1
Tel: (519) 661-6600
1-800-268-8333
TDD: (519) 661-0544

Mississauga

1290 Central Parkway West
Suite 304
L5C 4R3
Tel: (905) 273-7811
1-800-268-2808
TDD: (905) 273-6648

Ottawa

255 Albert Street
Suite 401
K1P 6A9
Tel: (613) 232-0489
1-800-661-0228
TDD: (613) 232-3909

Sault Ste. Marie

390 Bay Street
3rd Floor
P6A 1X2
Tel: (705) 942-8417
1-800-461-0051

Scarborough

10 Milner Business Court
Suite 404
M1B 3C6
Tel: (416) 314-3555
1-800-268-6585
TDD: (416) 314-3572

St. Catharines

1 St. Paul Street
Suite 603
L2R 7L4
Tel: (905) 684-7406
1-800-263-4916
TDD (905) 684-1103

Sudbury

159 Cedar Street
2nd Floor
P3E 6A5
Tel: (705) 670-7222
1-800-461-6259
TDD: (705) 675-6392

Thunder Bay

28 North Cumberland St.
Suite 403
P7A 4K9
Tel: (807) 343-6003
1-800-465-8996

Timmins

210 Spruce St. South
Suite 103
P4N 2M5
Tel: (705) 268-2838
1-800-461-7863

Toronto Central

595 Bay Street
4th Floor
M5G 2C2
Tel: (416) 326-9511
TDD: (416) 326-9669

Windsor

215 Eugenie Street West
Suite 100
N8X 2X7
Tel: (519) 973-1370
1-800-263-1604
TDD: (519) 966-8237

Headquarters

180 Dundas Street West
Toronto, Ontario
M7A 2R9
Tel: (416) 314-4500
1-800-387-9080
TDD: (416) 314-4535

Toll-Free Long Distance:

If you are outside the local area and within the area code, call the number listed under 1-800.

PUBLICATIONS OF THE COMMISSION

Human Rights Code, 1981 [updated 1995] (available through the Government of Ontario Bookstore)

Employment Application Forms & Interviews

Guidelines for Assessing Accommodation Requirements for Persons with Disabilities

Human Rights: Accommodation of Persons with Disabilities

Human Rights and Sexual Harassment

Policy on Sexual Harassment & Inappropriate Gender-related Comment and Conduct (as of November 1993)

Sexual Harassment and Other Comments or Actions about a Person's Sex (as of November 1993)

OHRC Policy Statement on HIV/AIDS-related discrimination

Exceptions to the Equality Rights Provision of the Human Rights Code in the Workplace

Policy on Racial Slurs & Harassment & Racial Jokes

Racial Slurs & Harassment & Racial Jokes (pamphlet)

OHRC Policy Statement on Height and Weight Requirements

Annual Report

Policy on Drug & Alcohol Testing

Policy on Driver's Licence as a Condition of Employment

Policy on Employment-related Medical Information

Declaration of Management Policy

Guidelines on Special Programs

If You Have a Human Rights Complaint

Know Your Rights Series:

- Sexual Orientation and the Human Rights Code
- AIDS & AIDS-related Illness and the Human Rights Code

Human Rights in Ontario

Discrimination Because of Handicap

Guidelines for Internal Human Rights Complaint Resolution Procedures

Policy Statement with Respect to Exclusionary Scholarships

Policy on Female Genital Mutilation

LIBRARIES WHERE BOARD DECISIONS CAN BE FOUND

University of Toronto

Bora Laskin Library
78 Queen's Park
Toronto, Ontario
M5S 2G5

York University

Law Library
4700 Keele Street
Downsview, Ontario
M3J 2R5

Legislative Library

Legislative Building
3rd Floor, North Wing
Queen's Park
Toronto, Ontario
M7A 1A9

The Great Library**Osgoode Hall**

The Law Society of Upper Canada
130 Queen Street West
Toronto, Ontario
M5H 2N6

Ministry of Labour Library

400 University Avenue
10th Floor
Toronto, Ontario
M7A 2R9

Metropolitan Toronto**Reference Library**

789 Yonge Street
Toronto, Ontario
M4W 2G8

University of Ottawa Library

550 Cumberland Street
Ottawa, Ontario
K1N 6N5

Carleton University Library

Ottawa, Ontario
K1S 5B6

Brock University Library

500 Glenridge Avenue
St. Catharines, Ontario
L2S 3A1

University of Waterloo Library

200 University Avenue West
Waterloo, Ontario
N2L 3G1

**University of Western Ontario
Library**

London, Ontario
N6A 3K7

Queens University Library

Kingston, Ontario
K7L 3N6

McMaster University Library

Hamilton, Ontario
L8S 4L8

University of Windsor Library

401 Sunset Avenue
Windsor, Ontario
N9B 3P4

Lakehead University Library

Oliver Road
Thunder Bay, Ontario
P7B 5E1

Laurentian University Library

Sudbury, Ontario
P3E 2C6

Library of Parliament

Wellington Street
Parliament Hill, Central Block
Ottawa, Ontario
K1A 0A9

University of Ottawa

Human Rights Research
and Education Centre
57 Louis Pasteur
Ottawa, Ontario
K1N 6N5

Hamilton Public Library

55 York Blvd.
Hamilton, Ontario
L8N 4E4

Kingston Public Library

130 Johnson Street
Kingston, Ontario
K7L 1X8

Kitchener Public Library

85 Queen Street North
Kitchener, Ontario
N2H 2H1

London Public Library

305 Queens Avenue
London, Ontario
N6B 3L7

Ottawa Public Library

120 Metcalfe Street
Ottawa, Ontario
K1P 5M2

St. Catharines Public Library

54 Church Street
St. Catharines, Ontario
L2R 7K2

Thunder Bay Public Library

285 Red River Road
Thunder Bay, Ontario
P7B 1A9

Waterloo Public Library

35 Albert Street
Waterloo, Ontario
N2L 5E2

Windsor Public Library

850 Ouellette Avenue
Windsor, Ontario
N9A 4M9

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Table 1: Complaints by Region of Registration & Ground

	Race or Colour	Ethnic Origin ¹	Creed	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Public Assistance ²	Record of Offences ³	Reprisal	No Grounds	Breach of Settlement	TOTAL	PERCENTAGE(%)
EASTERN	34	11	2	61	28	10	17	7	9	69	2	1	1	5	–	257	10
HAMILTON/NIAGARA	21	4	9	31	22	8	21	11	6	83	5	–	2	3	–	226	9
NORTHERN	27	5	–	23	27	5	11	9	5	55	5	–	–	–	–	172	7
SOUTHWESTERN	54	7	6	49	70	8	24	9	10	97	13	2	1	3	1	354	14
TORONTO CENTRAL	202	28	15	70	89	22	52	6	22	172	7	–	11	11	–	707	28
TORONTO EAST	55	20	8	96	20	6	48	6	29	74	8	–	7	25	–	402	16
TORONTO WEST	123	4	10	51	49	4	34	7	22	124	8	–	3	2	1	442	17
TOTAL	516	79	50	381	305	63	207	55	103	674	48	3	25	49	2	2,560	100
PERCENTAGE(%)	20	3	2	15	12	2	8	2	4	26	2	0	1	2	0	100	

1. Citizenship, ancestry, place of origin

2. Only in accommodation

3. Only in employment

Table 2: Complaints Received by Provision & Ground

	Race or Colour	Ethnic Origin ¹	Creed	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Public Assistance ²	Record of Offences ³	Reprisal	No Grounds	Breach of Settlement	TOTAL	PERCENTAGE(%)
SERVICES	84	14	3	33	3	21	21	4	5	112	-	-	-	41	-	341	13
HOUSING	35	7	-	12	8	4	31	9	64	28	48	-	-	1	-	247	10
CONTRACTS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0
EMPLOYMENT	394	58	46	307	294	38	155	42	33	530	-	3	-	7	-	1,907	74
VOCATIONAL ASSOCIATION	3	-	1	29	-	-	-	-	1	4	-	-	-	-	-	38	1
REPRISAL	-	-	-	-	-	-	-	-	-	-	-	-	25	-	-	25	1
BREACH OF SETTLEMENT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	2	0
TOTAL	516	79	50	381	305	63	207	55	103	674	48	3	25	49	2	2,560	100
PERCENTAGE(%)	20	3	2	15	12	2	8	2	4	26	2	0	1	2	0	100	

1. Citizenship, ancestry, place of origin

2. Only in accommodation

3. Only in employment

Table 3: Settlements Effected by Ground

	Specific & General Damages	Complainants Receiving Damages	Offer of Job or Facility	Offer of, or Consideration for, Next Job or Facility	Affirmative Action Implemented	Seminars with Respondent Staff	Review of Policies or Documents	Issuance of Documents	Correction of Complainants Records	Letter of Apology to Complainant	Written Declaration of Management Policies
RACE/COLOUR	\$591,685	43	18	5	1	10	26	16	3	26	64
ETHNIC ORIGIN¹	\$45,918	8	1	1	–	4	4	2	6	8	15
CREED	\$19,893	5	5	–	–	2	1	1	–	3	7
SEX & PREGNANCY	\$236,962	55	15	5	–	2	25	17	3	13	50
SEXUAL HARRASSMENT	\$405,758	81	3	1	1	11	51	15	5	32	85
SEXUAL ORIENTATION	\$55,930	6	2	1	–	–	1	–	–	2	7
AGE	\$238,767	18	6	4	–	3	18	3	2	16	24
MARITAL STATUS	\$10,192	5	4	3	–	–	14	2	1	3	6
FAMILY STATUS	\$16,091	7	6	4	–	2	9	3	1	1	18
HANDICAP	\$506,335	80	44	10	1	6	70	17	6	24	76
RECEIPT OF PUBLIC ASSISTANCE²	\$3,465	5	5	–	–	–	4	1	–	4	7
OTHER	\$3,000	1	1	1	–	–	–	3	2	–	4
TOTAL	\$2,133,996	314	110	35	3	40	223	80	29	132	363

1. Citizenship, ancestry, place of origin

2. Only in accommodation

Table 4: Complaints Closed by Provision, Disposition & Ground

	Race or Colour	Ethnic Origin ¹	Creed	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Public Assistance ²	Record of Offences ³	RBOSNG ⁴	TOTAL	PERCENTAGE(%)
EMPLOYMENT															
Board Appointed	2	—	—	6	7	1	2	—	—	10	—	—	—	28	2
Settled	90	23	13	99	124	9	42	19	8	127	—	1	—	555	37
Dismissed or not pursued	88	9	5	58	25	4	73	7	3	111	—	2	3	388	26
Withdrawn	119	16	8	93	88	13	42	8	5	150	—	1	2	545	36
TOTAL	299	48	26	256	244	27	159	34	16	398	—	4	5	1,516	100
ACCOMMODATION															
Board Appointed	—	—	—	2	1	—	1	—	1	—	—	—	—	5	3
Settled	8	1	—	7	—	—	5	5	17	22	18	—	—	83	45
Dismissed or not pursued	4	1	—	—	1	—	4	—	3	4	3	—	1	21	11
Withdrawn	15	2	—	1	2	—	8	3	14	9	21	—	—	75	41
TOTAL	27	4	—	10	4	—	18	8	35	35	42	—	1	184	100
SERVICES															
Board Appointed	—	—	—	—	—	—	—	—	—	2	—	—	—	2	1
Settled	22	2	—	4	1	2	4	5	2	73	—	—	—	115	36
Dismissed or not pursued	33	7	4	28	1	6	4	—	1	27	—	—	15	126	39
Withdrawn	19	2	2	9	1	6	4	1	1	29	—	—	3	77	24
TOTAL	74	11	6	41	3	14	12	6	4	131	—	—	18	320	100
CONTRACTS, VOCATIONAL ASSOCIATIONS, REPRISALS, BREACH OF SETTLEMENTS															
Board Appointed	—	—	—	1	—	—	—	—	—	1	—	—	—	2	3
Settled	—	—	—	3	—	1	—	—	1	—	—	—	6	11	16
Dismissed or not pursued	2	—	—	22	—	—	—	—	—	2	—	—	18	44	64
Withdrawn	1	—	—	1	—	—	—	—	—	1	—	—	9	12	17
TOTAL	3	—	—	27	—	1	—	—	1	4	—	—	33	69	100

1. Citizenship, ancestry, place of origin

2. Only in accommodation

3. Only in employment

4. RBOSNG—Reprisal, Breach of Settlement, No Grounds

Table 5:

Employment Complaints Closed by Disposition & Ground

	Race or Colour	Ethnic Origin ¹	Creed	Sex & Pregnancy	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Record of Offences ²	RBOSNG ³	TOTAL	PERCENTAGE(%)
RECRUITMENT & HIRING													
Board Appointed	—	—	—	1	—	—	—	—	2	—	—	3	2
Settled	5	2	2	17	1	15	8	2	19	1	—	72	45
Dismissed or not pursued	5	1	—	5	—	8	2	—	6	1	1	29	18
Withdrawn	11	—	—	17	2	11	—	2	12	—	—	55	35
TOTAL	21	3	2	40	3	34	10	4	39	2	1	159	100
PERCENTAGE(%)	13	2	1	25	2	21	6	3	25	1	1	100	
TERMINATION													
Board Appointed	1	—	—	4	—	2	—	—	3	—	—	10	1
Settled	49	12	5	55	2	18	4	5	80	—	—	230	34
Dismissed or not pursued	53	7	1	19	3	15	3	2	59	—	2	164	24
Withdrawn	68	9	3	49	5	27	4	3	105	1	—	274	40
TOTAL	171	28	9	127	10	62	11	10	247	1	2	678	100
PERCENTAGE(%)	25	4	1	19	1	9	2	1	36	0	0	100	
DURING EMPLOYMENT													
Board Appointed	1	—	—	1	1	—	—	—	5	—	—	8	2
Settled	36	9	6	27	6	9	7	1	28	—	—	129	30
Dismissed or not pursued	30	1	4	34	1	50	2	1	46	1	—	170	39
Withdrawn	40	7	5	27	6	4	4	—	33	—	2	128	29
TOTAL	107	17	15	89	14	63	13	2	112	1	2	435	100
PERCENTAGE(%)	25	4	3	20	3	14	3	0	26	0	0	100	
TOTAL⁴	299	48	26	256	27	159	34	16	398	4	5	1,272	

1. Citizenship, ancestry, place of origin

2. Only in employment

3. RBOSNG—Reprisal, Breach of Settlement, No Grounds

4. Total does not include 244 sexual harassment complaints

Table 6:

Employment Complaints Closed by Type of Work

	Race or Colour	Ethnic Origin ¹	Creed	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Record of Offences ²	RBOSNG ³	TOTAL	PERCENTAGE(%)
Professional, Managerial, Technical	112	15	7	75	55	11	34	16	3	105	2	3	438	29
Sales	13	1	6	23	28	—	18	6	3	30	—	—	128	8
Clerical	39	5	4	68	64	3	24	3	3	45	—	—	258	17
Craft & Forepersons	24	2	2	9	6	—	4	1	1	31	—	—	80	5
Operatives	17	3	—	12	8	—	5	—	1	35	—	1	82	5
Services	35	12	2	36	50	6	14	4	1	31	1	1	193	13
Labour, General	55	9	5	31	27	4	18	4	3	117	1	—	274	18
Unspecified	4	1	—	2	6	3	42	—	1	4	—	—	63	4
TOTAL	299	48	26	256	244	27	159	34	16	398	4	5	1,516	100

1. Citizenship, ancestry, place of origin

2. Only in employment

3. RBOSNG—Reprisal, Breach of Settlement, No Grounds

Table 7: Complaints Closed by Type of Industry

	Race or Colour	Ethnic Origin ¹	Creed	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Public Assistance ²	Record of Offences ³	RBOSNG ⁴	TOTAL	PERCENTAGE(%)
NATURAL RESOURCES	-	-	-	6	1	-	-	1	-	8	-	-	-	16	1
MANUFACTURING															
Metals,Parts,Machinery	15	2	-	5	6	-	1	2	2	30	-	-	-	63	
Food,Tobacco	5	-	-	5	2	-	3	-	-	9	-	-	2	26	
Wood,Furniture,Paper	2	1	-	3	1	-	-	2	-	11	-	-	-	20	
Automotive,Aircraft	6	-	-	2	4	2	8	1	-	19	-	-	1	43	
Electrical	10	1	-	3	5	-	2	-	2	8	-	-	2	33	
Others	26	5	4	19	29	3	43	5	-	57	-	-	2	193	
Subtotal	64	9	4	37	47	5	57	10	4	134	0	0	7	378	18
CONSTRUCTION	3	1	-	2	3	-	1	-	1	7	-	-	-	18	1
TRANSPORTATION, UTILITIES & COMMUNICATION	14	-	1	6	4	2	6	1	1	15	-	-	3	53	3
TRADE & RETAIL	39	7	4	43	32	1	25	5	3	48	-	1	3	211	10
FINANCE, INSURANCE & REAL ESTATE	49	5	2	21	14	4	23	9	31	68	39	-	1	266	13
COMMUNITY, BUSINESS & PERSONAL SERVICES															
Schools,Colleges,Universities	25	6	2	37	7	2	8	2	1	54	-	-	8	152	
Hospitals,Physicians	37	6	2	16	13	4	8	3	-	56	-	-	4	149	
Employment agencies	-	-	-	6	2	-	3	1	-	1	-	-	-	13	
Hotels,Restaurants	25	6	3	29	52	7	10	6	2	30	-	1	2	173	
Others	69	15	7	78	48	10	18	6	6	77	1	1	6	342	
Subtotal	156	33	14	166	122	23	47	18	9	218	1	2	20	829	40
PUBLIC ADMINISTRATION	44	8	6	44	20	7	17	2	4	53	1	1	21	228	11
UNSPECIFIED/NOT APPLICABLE	34	-	1	9	8	-	13	2	3	17	1	-	2	90	4
TOTAL	403	63	32	334	251	42	189	48	56	568	42	4	57	2,089	100

1. Citizenship, ancestry, place of origin

2. Only in accommodation

3. Only in Employment

4. RBOSNG—Reprisal, Breach of Settlement, No Grounds

